

REMARKS

Claims 1-3 and 5-9 are pending in the subject application.

Applicants have amended claims 1, 5, and 7-9, and have canceled claim 4. These changes do not introduce any new matter.

Rejection Under 35 U.S.C. § 102

Applicants respectfully request reconsideration of the rejection of claims 7 and 8 under 35 U.S.C. § 102(e) as being anticipated by *Schacht et al.* (“*Schacht*”) (U.S. Patent No. US 6,959,437 B2). As will be explained in more detail below, the *Schacht* reference does not disclose each and every feature specified in claims 7 and 8, as amended herein.

Applicants have amended claims 7 and 8 to specify that the storage unit is configured to store an *external* URL for download. In the configuration of the claimed subject matter, an external server stores the driver software. Thus, the printer supplies only the URL of this server to a client (see Paragraphs [0044] and [0045] and Figures 1 and 2 of Applicants’ specification).

In contrast with the claimed subject matter, in the *Schacht* reference, the printer itself stores the driver software, and the printer supplies the URL of itself, which is a memory location of the printer driver software, to a work station. As stated in the *Schacht* reference, “[t]he software comes directly from the printer.” Column 4, line 60. Thus, the *Schacht* reference does not disclose a storage unit that is configured to store an external URL for download as in the claimed subject matter.

Accordingly, for at least the foregoing reasons, claims 7 and 8, as amended herein, are patentable under 35 U.S.C. § 102(e) over *Schacht*.

Rejection Under 35 U.S.C. § 103

Applicants respectfully request reconsideration of the rejection of claims 1-6 and 9 under 35 U.S.C. § 103(a) as being unpatentable over *Schacht* in view of *Wittel, Jr. et al.* (“*Wittel, Jr.*”) (U.S. Patent Publication Application No. US 2003/0195951 A1) (as noted above, claim 4 has been canceled herein). As will be explained in more detail below, the combination of *Schacht* in view of *Wittel, Jr.* would not have suggested to one having ordinary skill in the art the subject matter defined in independent claims 1 and 9, as amended herein.

Applicants have amended each of independent claims 1 and 9 to include the feature specified in claim 4. In particular, Applicants have amended each of claims 1 and 9 to specify that the database in which specifications of operating systems and storage locations of device control software are recorded in association with each other *is stored in a predetermined server connected to the device via the network*. With the foregoing changes, claim 1 defines a device that searches a storage location of device control software from a database stored in a predetermined server, and claim 9 defines a method that includes searching a storage location of device control software from a database stored in a predetermined server. In light of the change made to claim 1, Applicants have herein canceled claim 4.

In formulating the obviousness rejection, the Examiner states with regard to former claim 4 that “*Wittel* teaches wherein said database is stored in a predetermined server connected to said device via said network (see Update Server, Fig. 2, ref. 206).” Office Action at page 6. Applicants respectfully traverse the Examiner’s characterization of the *Wittel, Jr.* reference relative to the claimed subject matter. From the description set forth in Paragraph [0046] of the *Wittel, Jr.* reference, it is apparent that the update server corresponds to the claimed “device” itself. In other words, in the configuration of *Wittel, Jr.*, the device

itself stores a database. As such, even if one were to incorporate the configuration of *Wittel, Jr.* into the system of *Schacht*, the configuration defined in amended claims 1 and 9 would not have resulted. Thus, the combination of *Schacht* in view of *Wittel, Jr.* would not have suggested to one having ordinary skill in the art the subject matter defined in amended claims 1 and 9.

Accordingly, claims 1 and 9, as amended herein, are patentable under 35 U.S.C. § 103(a) over *Schacht* in view of *Wittel, Jr.* Claims 2, 3, 5, and 6, each of which depends from claim 1, are likewise patentable under 35 U.S.C. § 103(a) over *Schacht* in view of *Wittel, Jr.* for at least the same reasons set forth above regarding claim 1.

Conclusion

In view of the foregoing, Applicants respectfully request reexamination and reconsideration of claims 1-3 and 5-9, as amended herein, and submit that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 749-6902. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP037).

Respectfully submitted,
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